

MEMORANDUM

Case No.: 9747-1609
Date: September 8, 2016

SUBJECT: **ENCROACHMENT OF STREET RIGHT OF WAY**

() Lucy Cabading	AT&T	() Jackie Chuter	PARD
() Melody Giambruno	Austin Energy	() David Marquez	DSD (LUR-Engineering)
() Katrina Fenrick	Austin Resource Recovery	() Sangeeta Jain	DSD (LUR-Transportation)
() Rob Spillar	Austin Transportation Director	() Mark Walters	P&Z (Comp. Planning)
() Angela Baez	Austin Water	() Humberto Rey	P&Z (Urban Design)
() Roberto Gonzalez	Capital Metro	() Wendy Rhoades	P&Z (Zoning Review)
() Bruna Quinonez	Code Compliance	() David Boswell	PWD – Office of City Eng'r
() Carlo DeMatos	CTM – GAATN	() Nadia Barrera	PWD – Urban Trails
() Milissa Warren	EMS	() Christian Barraza	Texas Gas
() Frank Alvarez	Fire	() Joseph Boyle	Time Warner
() Scott Cunningham	Google	() Katina Bohrer	WPD (Engineering)
() Daniel Pina	Grande Communication		

A request has been received for the surface encroachment of a portion of **25 ½ Street** (Adjacent to 2504 San Gabriel Street). The encroachment consist of existing pedestrian ramp and handrails.

Please review this request and return your comments to Andy Halm (974-7185), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **September 22, 2016**.

APPROVAL: _____ YES _____ Yes, Subj. to Req'm't _____ No

Comments: _____

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):

Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: _____

Reviewed by: _____ Telephone: _____

Date: _____

Application for an Encroachment Agreement

File No. 9747-1609
Department Use Only

DATE: 9/8/16
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type:	<input type="checkbox"/> Aerial	<input type="checkbox"/> Sub-surface	<input checked="" type="checkbox"/> Surface
List TYPE OF ENCROACHMENT to be placed on Public Property: <u>Pedestrian Ramp and Hand Rail</u>			
Has encroachment been installed prior to application: <input checked="" type="radio"/> Yes <input type="radio"/> No			
Adjoins property at the following street address: <u>2504 San Gabriel St</u>			

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #:	<u>206095</u>
Survey & Abstract No.	<u>20-22</u>
Lot(s)	<u>20-22</u>
Block	<u>6</u>
Outlot	<u>54</u>
Subdivision Name:	<u>Harwood Subdivision</u>
Plat Book	<u>1</u>
Page Number	<u>69</u>
Document Number	<u></u>
County/Records:	<u>Travis</u> County; Deed Real Property Official Public
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.	

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES / NO	<u>SP-2015-0108C.F2.SH</u>
Subdivision: Case: YES / NO	
Building Permit: YES / NO	<u>2015-140197BP, 2015-140198BP, 2015-140199BP,</u> <u>2015-140200BP, 2015-140201BP, 2015-140202BP,</u> <u>2015-140203BP, 2015-140204BP, 2015-140205BP,</u> <u>2015-140206BP</u>

4. APPLICANT INFORMATION

Name:	<u>Scott M. Wuest, PE</u>		
Firm Name:	<u>Wuest Group</u>		
Address:	<u>2007 S 1st St, Suite 103</u>	City:	<u>Austin</u>
		State:	<u>TX</u>
Zip:	<u>78704</u>	Phone:	<u>(512)394-1900</u>
		Fax No.:	<u>()</u>
EMAIL ADDRESS: <u>scott@wuestgrouptx.com</u>			

5. DEVELOPER INFORMATION

Name:	<u>Edward Johnson</u>		
Firm Name:	<u>The Corner Development LLC</u>		
Address:	<u>1001 Locust St</u>	City:	<u>Kansas City</u>
		State:	<u>MO</u>
Zip:	<u>68106</u>	Phone:	<u>(512)394-1900</u>
		Fax No.:	<u>()</u>

6. LANDOWNER INFORMATION

Name:	<u>The Corner Development LLC</u>			(as shown on Deed)	
Address:	<u>1001 Locust St</u>	City:	<u>Kansas City</u>	State:	<u>MO</u>
Zip:	<u>68106</u>	Phone:	<u>(512)394-1900</u>	Fax No.:	<u>()</u>
Lienholder Name:	<u>N/A</u>				
Lienholder Address:	<u>N/A</u>				
Lienholder Phone Number:			Fax Number:		

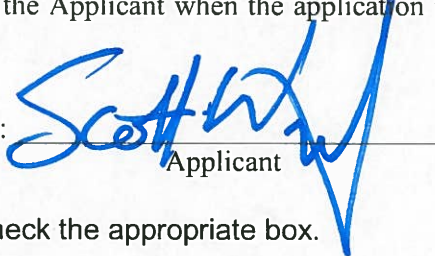
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name:	<u>N/A</u>				
Address:		City:		State:	
Zip:		Phone:	<u>()</u>	Fax No.:	<u>()</u>
Contact Person:		Phone:			

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By:


Applicant

Please check the appropriate box.

- ☐ Landowner
- ☐ Tenant
- ☒ Agent for Landowner
- ☐ Agent for Tenant

FLUGEL LAND SURVEYING

PROFESSIONAL LAND SURVEYORS

Firm No. 10193837

EXHIBIT "___"

LEGAL DESCRIPTION FOR A 23 SQUARE FOOT TRACT

LEGAL DESCRIPTION OF A 23 SQUARE FOOT TRACT OR PARCEL OF LAND, BEING A PORTION OF THE RIGHT-OF-WAY OF 25TH 1/2 STREET ADJACENT TO LOTS 21 & 22, HARWOODS SUBDIVISION, OUTLOT 54, RECORDED IN VOLUME 1, PAGE 69, PLAT RECORDS, TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED TO THE CORNER DEVELOPMENT, LLC, IN DOCUMENT #2015091049, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 23 SQUARE FOOT TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found for the **POINT OF REFERENCE** on the north right-of-way (R.O.W.) line of 25th 1/2 Street (60' R.O.W.) being the southwest corner of said Lot 21 and the southeast corner of Lot 20, Harwoods Subdivision, conveyed to The Corner Development, LLC, in Document #2015091048, Official Public Records, Travis County, Texas, from which bears N 3°24'45" E a distance of 130.19' to a 1/2" iron pipe found on the south R.O.W. line of a 16' City of Austin Alley being the northwest corner of said Lot 21 and the northeast corner of said Lot 20; Thence, S 87°06'27" E along said north R.O.W. line of 25th 1/2 Street and the south line of said Lot 21 a distance of 14.30' to a calculated point for the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, S 87°06'27" E along said north R.O.W. line of 25th 1/2 Street and the south lines of said Lots 21 & 22 a distance of **32.01'** to a calculated point for the northeast corner of the herein described tract, from which bears S 87°08'31" E a distance of 45.74' to a Mag Nail Found at the intersection of said north R.O.W. line of 25th 1/2 Street and the west R.O.W. line of San Gabriel Street (60' R.O.W.) being the southeast corner of said Lot 22;

THENCE, through and across the R.O.W. of said 25th 1/2 Street the following three courses:

1. **S 2°44'20" W** a distance of **0.66'** to a calculated point for the southeast corner of the herein described tract;
2. **N 87°15'40" W** a distance of **32.01'** to a calculated point for the southwest corner of the herein described tract;
3. **N 2°44'19" E** a distance of **0.75'** to the **POINT OF BEGINNING** and containing **23 square feet** of land, more or less.



BASIS OF BEARINGS:

Bearings are based on NAD '83 State Plane Coordinates.
(Texas Central 4203)

I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by
Flugel Land Surveying
Firm Registration No. 10193837

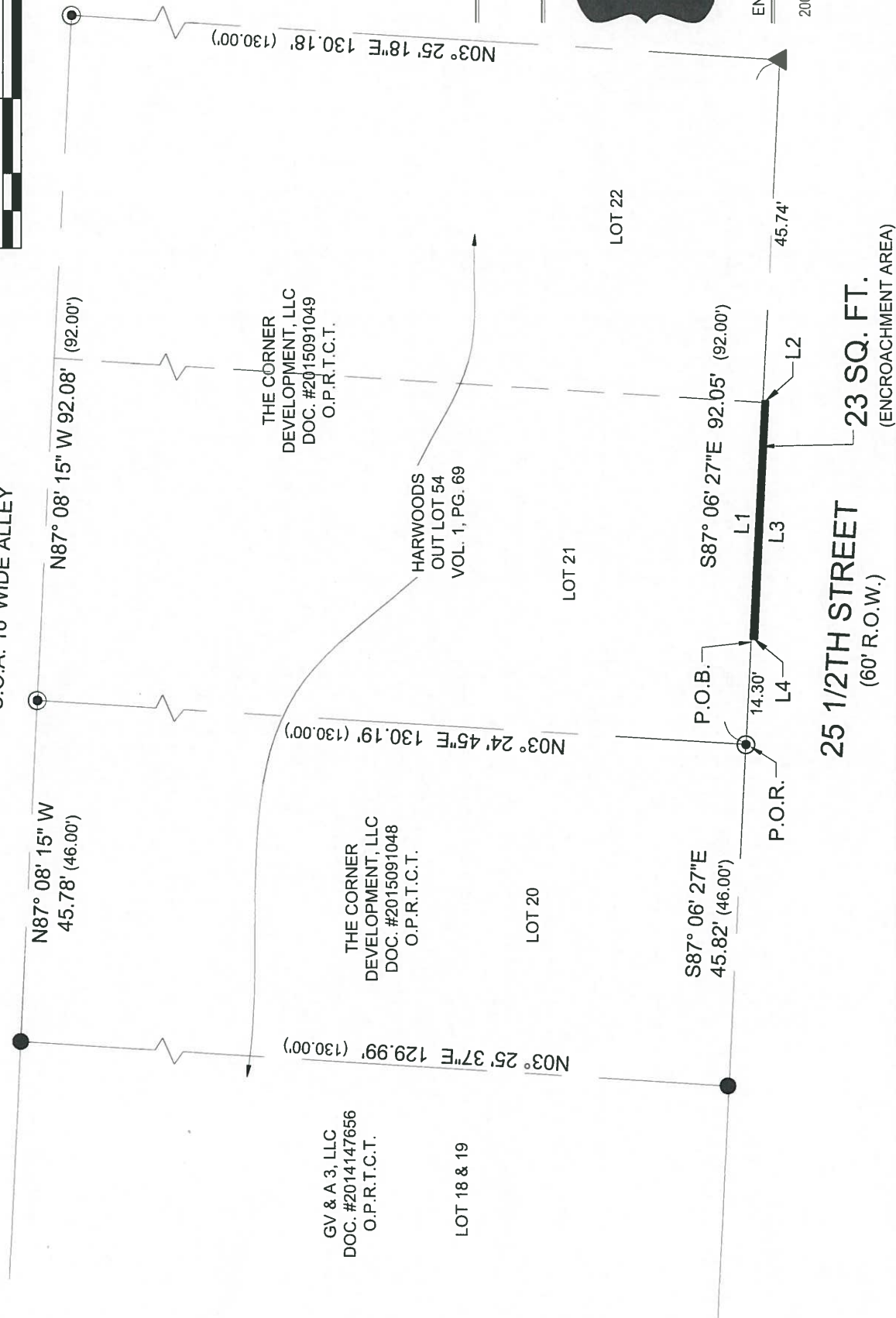
Paul J. Flugel



Paul J. Flugel
RPLS No. 5096

Date of Survey: 8/19/2016
Date of Field Notes: 8/25/2016

23 SQUARE FEET OF LAND, BEING A PORTION OF THE R.O.W. OF 25TH 1/2 STREET, ADJACENT TO LOTS 21 & 22, HARWOODS SUBDIVISION, OUTLOT 54, RECORDED IN VOL. 1, PG. 69, P.R.T.C.T., HAVING BEEN CONVEYED TO THE CORNER DEVELOPMENT, LLC, IN DOC. #2015091049, O.P.R.T.C.T.



ENGINEERING & DESIGN

FIRM # F-15324
2007 S 1ST STREET, SUITE 103
AUSTIN, TEXAS 78704
(512)394-1900

3 OF 4

SURVEY OF

23 SQUARE FEET OF LAND, BEING A PORTION OF THE R.O.W. OF 25TH 1/2 STREET, ADJACENT TO LOTS 21 & 22, HARWOODS SUBDIVISION, OUTLOT 54, RECORDED IN VOL. 1, PG. 69, P.R.T.C.T., HAVING BEEN CONVEYED TO THE CORNER DEVELOPMENT, LLC, IN DOC. #2015091049, O.P.R.T.C.T.

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND
- ▲ MAG NAIL FOUND
- ⊠ COTTON SPINDLE FOUND
- △ CALCULATED POINT
- R.O.W. RIGHT-OF-WAY
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S87° 06' 27"E	32.01'
L2	S2° 44' 20"W	0.66'
L3	N87° 15' 40"W	32.01'
L4	N2° 44' 19"E	0.75'



AS SURVEYED BY:

Paul J. Flugel

HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
NAD '83 (CENTRAL ZONE 4203)

PAUL J. FLUGEL
RPLS NO. 5096
FIRM NO. 10193837
DATE OF FIELD SURVEY: 8-19-2016
DATE OF PLAT: 8-25-2016

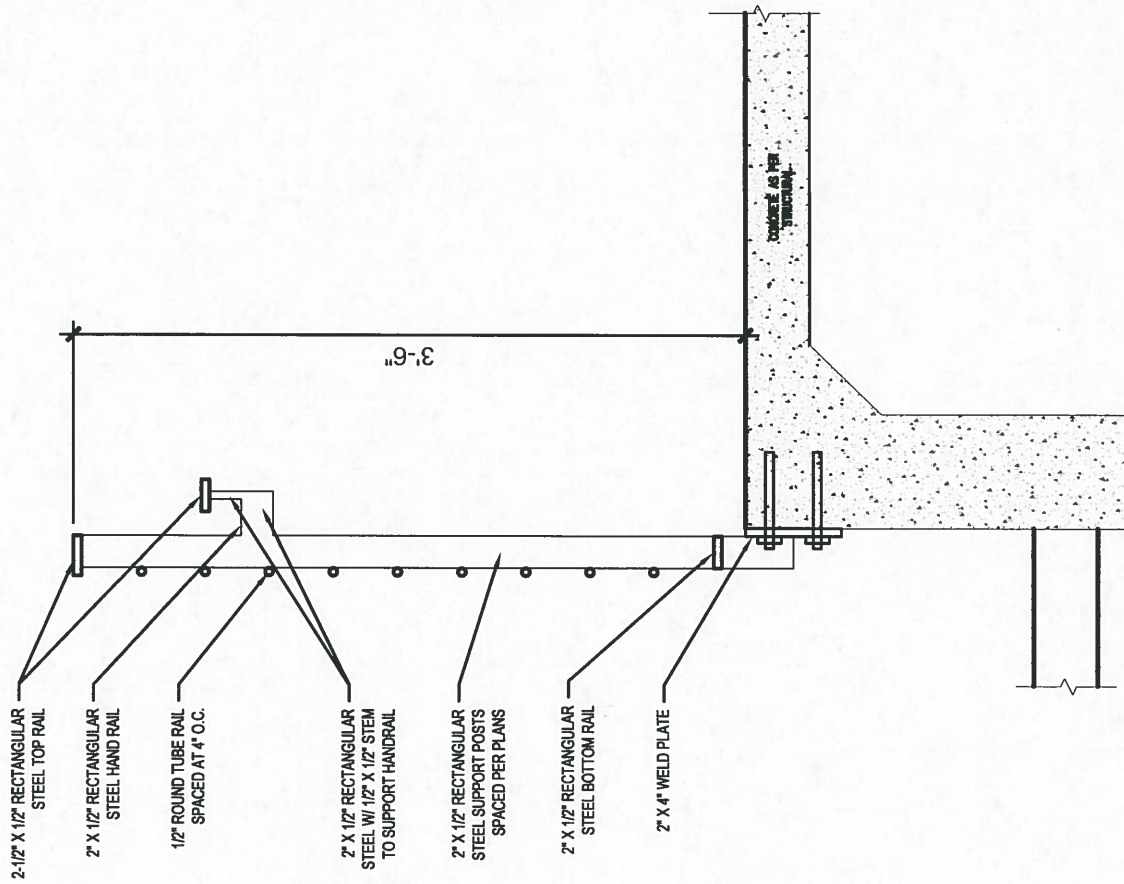
FLUGEL LAND
SURVEYING
FIRM NO. 10193837



ENGINEERING & DESIGN

FIRM # F-15324
2007 S 1ST STREET, SUITE 103
AUSTIN, TEXAS 78704
(512)394-1900

SHEET
4 OF 4



① GUARD RAIL 1"



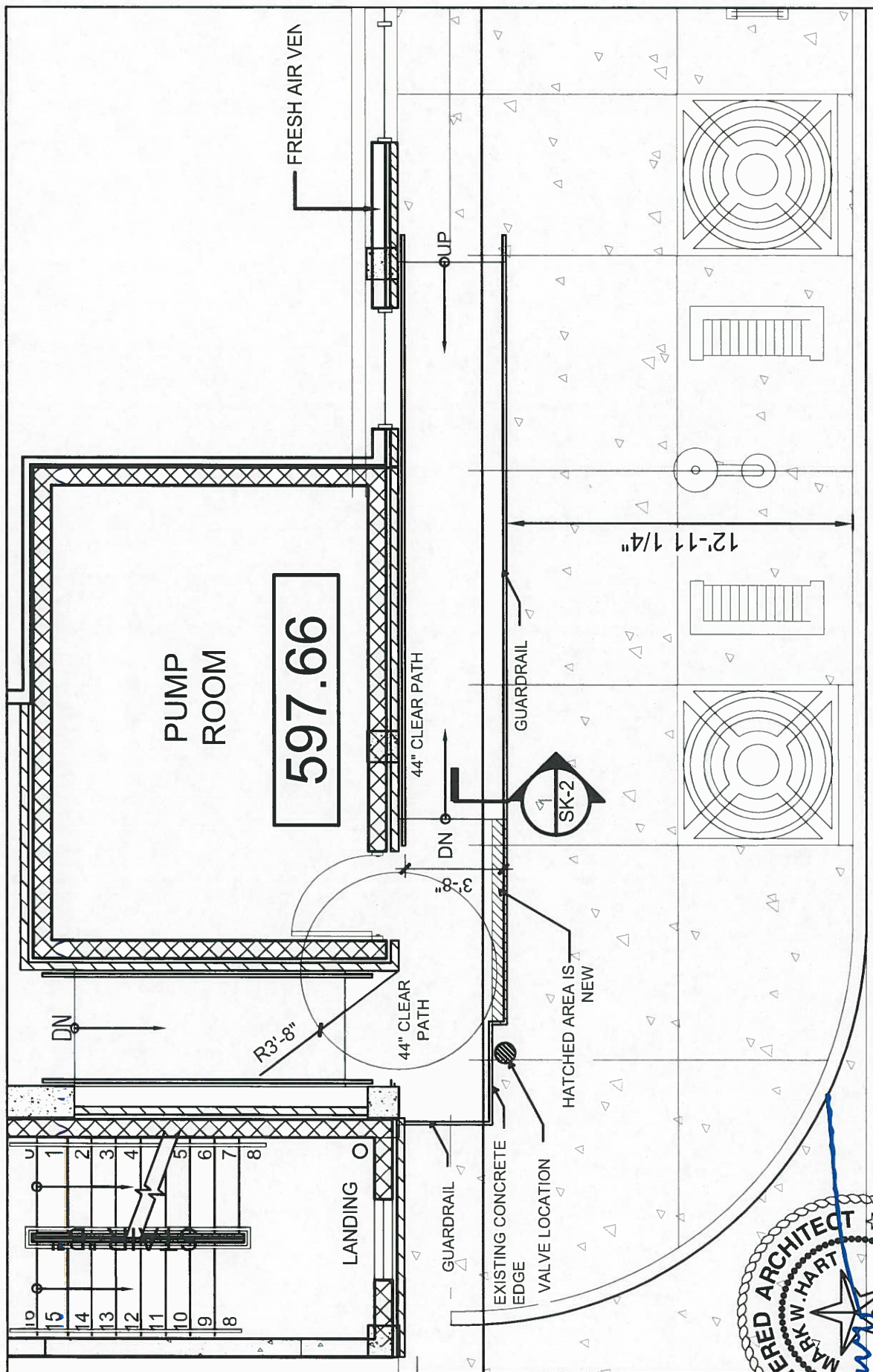
EXP: 2016-07-26 2017-01-31

DATE	SHEET DESCRIPTION	SHEET NO.
7/26/16	EXIT WIDTH DETAIL	SKA-2

Mark Hart Architecture, Inc
2007 S. 1st Street, 101A Austin TX 78745
Phone: 512.680.7505 / Email: mhart@markhartarch.com

THE CORNER
AUSTIN TX





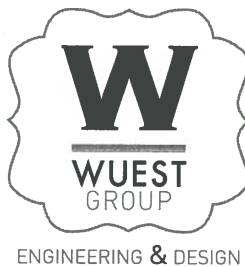
2016-07-26 EXP: 2017-01-31

Mark Hart Architecture, Inc
2007 S. 1st Street, 101A Austin TX 78745
Phone: 512-882-7505 / Email: mh@markhartarch.com



THE CORNER
AUSTIN TX

DATE 7/26/16 SHEET DESCRIPTION EXIT WIDTH DETAIL SHEET NO. SKA-2



August 31, 2016

Mr. Andy Halm
City of Austin
Office of Real Estate Services
505 Barton Springs Road Suite 1350
Austin, TX 78704
Attn: Land Management Division

Re: *Letter of Explanation for Encroachment Agreement*
The Corner
2504 San Gabriel St
Austin, Travis County, Texas

Dear Mr. Halm,

Please accept this letter as our formal request for an encroachment agreement with the City of Austin for the above referenced project. The ramp was constructed as a part of the site plan (SP-2015-0108C.F2.SH). The site is currently under temporary certificate of occupancy and has building permits pending completion of this agreement.

In response to the procedures and requirements for requesting an encroachment agreement, we are including the following questions and answers:

1. Is this a residential or commercial project? **Commercial**
2. How was the area of encroachment dedicated? By plat or separate instrument? **By Plat**
3. Did the City purchase the area where the proposed encroachment would be located? (i.e., by Street Deed) **No, the city did not purchase the area where the proposed encroachment is located.**
4. Does the encroachment currently exist, or is it only proposed on paper? **The encroachment currently exists; we have attached photos for reference.**
5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant's expense. **No utility lines have to be relocated.**
6. How do you plan to develop the proposed encroachment area? **The proposed encroachment is an egress out of an existing student housing/ S.M.A.R.T. housing project.**
7. Has a site plan been submitted on your project? If not, is the project exempt from the site plan process? **The site plan is complete. Reference SP-2015-0108C.F2.SH**

August 31, 2016

Mr. Andy Halm

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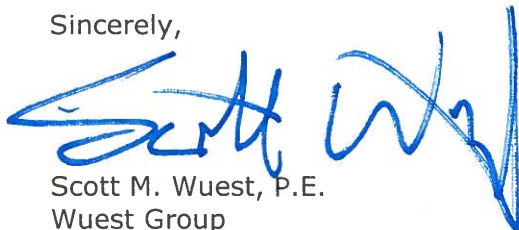
Letter of Explanation for Encroachment Agreement

8. Is your project a Unified Development? Yes, this project is a Unified Development. Recorded under document: 2015139362
9. Is your project S.M.A.R.T. Housing Project? Yes, this project is a S.M.A.R.T. Housing Project
10. When do you anticipate starting construction of the development? The construction for this development is complete.
11. What is the current status of the adjacent properties? All adjacent properties are developed.
12. What type of parking facilities currently exist? The site has a structural parking garage, built to current standards required for parking.
13. Does the area of encroachment lie within UT boundaries: East of Lamar Blvd, west of IH-35, north of MLK, and south of 45th St.? Yes, the encroachment lies within UT boundaries, specifically, the University Neighborhood Overlay (UNO) area.
14. Does the area of encroachment lie withing Downtown boundaries: East of Lamar Blvd, west of IH-35, north of Lady Bird Lake, and south of MLK? No, the encroachment does not lie within Downtown boundaries.
15. Does the proposed encroachment support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how? The purpose of this encroachment is to widen a ramp at the request of the building department. This does not adversely affect the zoning or site requirements and therefore we believe it supports Priority Program 1 by investing in a compact and connected Austin.

We have previously been through AULCC for this project and the approval document is attached.

Should you have any comments or questions please do not hesitate to contact me.

Sincerely,



Scott M. Wuest, P.E.

Wuest Group

Texas Firm Registration No. 15324



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

March 18, 2015 (revision to letter dated January 28, 2014)

S.M.A.R.T. Housing Certification

The Corner Development LLC- 2508 San Gabriel & 1004 W 25 1/2 Street- The Corner- UNO (id #65627)

TO WHOM IT MAY CONCERN:

The Corner Development LLC (development contact: John Trube/ Edward Johnson: 522-457-1700; Edward@johnsontrube.com) has submitted a S.M.A.R.T. Housing application for the construction of a **64 unit/ 207 bedroom multi-family** development at **2508 San Gabriel & 1004 W 25 1/2 Street** in the University Neighborhood Overlay in the West Campus Neighborhood Planning Area. The project will be subject to a fifteen (15) year affordability period after issuance of certificate of occupancy. **The revision updated the ownership and unit/bedroom count and the MFI's to be served.**

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **10%** of the bedrooms (21 bedrooms) will serve households at or below **60%** Median Family Income (MFI); and another **10%** of the bedrooms (21 bedrooms) will serve households at or below **50%** MFI, the development will be eligible for **50%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit
Plumbing Permit

Site Plan Review
Misc. Site Plan Fee
Construction Inspection
Subdivision Plan Review
Misc. Subdivision Fee
Zoning Verification

Land Status Determination
Building Plan Review
Parkland Dedication (*by separate ordinance*)

In addition, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy. Contact Katherine Murray 482-5351).
- ◆ Pass a final inspection to certify that accessibility standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3154 if you need additional information.

Javier V. Delgado
Neighborhood Housing and Community Development

Cc: Laurie Shaw, Capital Metro
Maureen Meredith, PDRD
M. Simmons-Smith, PDRD
Kath. Murry, Austin Energy
Robby McArthur, AWU

Bryan Bomer, AEGB
Gina Copic, NHCD
Chris Yanez, PARD
Heidi Kasper, AEGB
Danny McNabb, WPDR

Alma Molieri, PDRD
Susan Kinel, NHCD
Stephen Castleberry, PDRD
George Zapalac, PDRD
Cande Coward, PDRD

